

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 10 2016

MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*Office working space of Kathy Carrillo located at the
Dennis Chavez Federal Building, 500 Gold Ave. SW, 7th
floor Suite 7301, Albuquerque, NM 87103-0906

Case No.

16 mr 360

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Office working space of Kathy Carrillo; see attached

located in the _____ District of _____ New Mexico _____, there is now concealed *(identify the person or describe the property to be seized)*:

Marijuana

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21 USC 841(a)(1)
21 USC 844

Offense Description
Possession of Marijuana with Intent to Distribute
Possession of Marijuana

The application is based on these facts:
See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

CHOMMAN JIM SAKISVANG JR.

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/10/16

City and state: Albuquerque, NM

Judge's signature

Steven C. Farbrough

Printed name and title

Attachment A

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Chumnan Jim Sangsvang Jr., being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the United States Department of Housing and Urban Development Office of Inspector General (HUD-OIG). I have been so employed since October, 1999. By virtue of my employment with the HUD-OIG, I am authorized to conduct investigations of violations of involving HUD employees and HUD funds. Over the course of my 16 years in law enforcement, I have been assigned to the Southwest Region of HUD-OIG Office of Investigations and have investigated several hundred cases including employee misconduct, theft, theft of government funds, and narcotics trafficking in or around HUD funded housing. I have also participated in and/or executed many search warrants involving narcotics. I am currently assigned to the Fort Worth, TX HUD-OIG office with New Mexico currently under my purview.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in her immediate work space including her working space, cabinets, purse, and handbag. It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21, United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance, and Title 21, United States Code, Section 844, possession of a controlled substance. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation.

BACKGROUND OF THE INVESTIGATION

On January 22, 2016, Housing and Urban Development Office of Inspector General (HUD-OIG) Special Agent (S/A) Chumnan Jim Sangsvang Jr. received a complaint via the HUD Albuquerque Field Office. The office received information indicating allegations of misconduct regarding HUD Community Planning and Development (CPD) employee Kathy Carrillo. According to the complaint received by HUD, Carrillo comes to work under the influence of marijuana, brings marijuana into the federal building, and is attempting to sell or distribute it with others in the building. The complainant also alleged that Carrillo has a medical marijuana license.

On May 6, 2016, S/A Sangsvang received information from the State of New Mexico Department of Health obtained through a HUD-OIG subpoena that Carrillo is an active enrollee in the Medical Cannabis program. The information stated that although she was entitled to use cannabis as a patient she was not relieved of criminal prosecution or civil penalty for possession, distribution, transfer, or use of cannabis or a cannabis-derived product in the workplace.

On May 9, 2016, S/A Sangsvang along with HUD-OIG Assistant Special Agent in Charge (ASAC) Brandon Gardner met with Carrillo at her place of employment at approximately 1:28 PM. Carrillo was apprised of the identity of the interviewing agents and consented to the interview after being read her Garrity Advisement of Rights, reading and then signing the Garrity Warning document. Agents explained that a complaint was received regarding Carrillo's possession and distribution of marijuana. Carrillo responded that she "had a full purse of drugs right now." In addition, Carrillo had indicated that she had just gotten her prescription refilled. Throughout the interview Carrillo changed her statements on her use of marijuana from never using the narcotic, to formally using it, to occasional use to help her sleep and cope with her Post

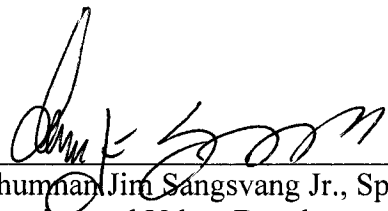
Traumatic Stress Disorder. Carrillo changed her statement regarding the drugs in her purse, indicating that it was other prescription narcotics, not marijuana. However, the context of the conversation at that point did not center around other prescription narcotics. Agents were questioning her about marijuana use only. Initially, Carrillo offered to let the interviewing agents search her purse and cubicle. However, she later withdrew her consent as she felt that she was being pressured and hence the search was not conducted. Carrillo stated that if narcotics were found in her work space that they were potentially planted by a coworker.

The office working space of Kathy Carrillo is located at the Dennis Chavez Federal Building, 500 Gold Ave. SW, 7th Floor Suite 7301, Albuquerque, NM 87103-0906. The office space is located on 7th Floor on the eastern most part of the office. It is marked with two name plates marked Katherine Carrillo. This should include her purse and handbag also located in the area.

Based on the above listed facts listed throughout this affidavit, it is my belief that the aforementioned work space and personal items has been concealed within the SUBJECT PROPERTY controlled substances.

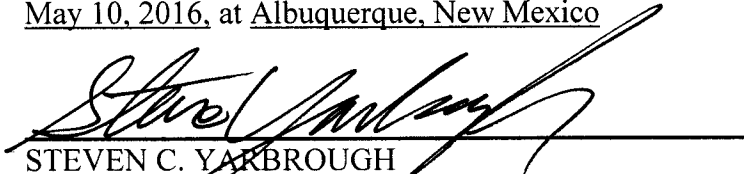
Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Norm Cairns.


Chumman Jim Sangsvang Jr., Special Agent
Housing and Urban Development Office
Inspector General

Sworn to before me, and subscribed in my presence,

May 10, 2016, at Albuquerque, New Mexico


STEVEN C. YARBROUGH
United States Magistrate Judge